

REMARKS

Claims 1-47 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claim 41 has been amended and is presented with markings to indicate its current amendment, and claim 44 is canceled without prejudice to future prosecution. This amendment adds no new matter and is fully supported by the application as originally filed.

Rejection Under 35 U.S.C. § 102

Pending claims 1, 2, 14, 18-23, 26, 30-37, 41-42, 44 and 47 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,575,879 ("Shattil"). As discussed below, Applicant respectfully traverses this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that independent claims 1, 26 and 41 have elements that cannot be found, either expressly or inherently, in Shattil.

For example, originally-filed claim 1 recites, in part: a "receiver structured to receive a substantially continuous sine wave carrier signal."

Originally-filed claim 26 recites, in part: ". . .a transmitter. . .structured to transmit a substantially continuous sine wave carrier signal" (claim 26).

And amended claim 41 now recites, in part: ". . .receiving data from a substantially continuous sine wave carrier signal."

Shattil contains no teaching or suggestion of a receiver structured to receive a substantially continuous sine wave carrier wave signal, nor a transmitter structured to transmit a substantially continuous sine wave carrier signal.

Instead, Shattil teaches transmission and reception using Carrier Interferometry (CI). "CI manipulates fundamental wave components to create constructive and destructive interference zones from which desired communication signals are created (col. 3, lines 64-67)." These CI signals are electromagnetic pulses (reference no. 110) and are shown in FIGS. 1-3, 10, 13, 14A-B, and 15A-B. Shattil teaches that "[t]he electrical monocycle pulses are sent to a transmit antenna 1030 via a transmission line 1032 coupled thereto. The electrical monocycle pulses are converted into propagating electromagnetic pulses by the transmit antenna" (col. 57, lines 23-27). These pulses are then received by a "coherence-multiplex radio receiver" that "coherently converts a received wideband signal (such as an electromagnetic pulse train) to a baseband signal" (col. 58, lines 40-44).

Thus, Shattil contains no teaching or suggestion of receiving or transmitting a substantially continuous sine wave carrier signal, but instead teaches the transmission and reception of electromagnetic pulses.

Applicant respectfully submits that the above amendment and response has traversed the rejection of independent claims 1, 26, and 41. Because claims 2-25, 27-40, and claims 42-43 and 45-47 depend from claims 1, 26 and 41, respectively, it is respectfully submitted that the rejection of claims 2-25, 27-40, and claims 42-43 and 45-47 have been traversed by virtue of their dependency from claims 1, 26 and 41. M.P.E.P. § 2143.03.

Rejection Under 35 U.S.C. § 103

In paragraphs 2-8 of the Office Action, claims 3-13, 15-17, 24-25, 27-29, 38-40 and 45-46 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Shattil in view of U.S. Patent 4,613,827 ("Takamori"), U.S. Patent 5,210,748 ("Onishi"), U.S. Patent 4,412,337 ("Bickley"), U.S. Patent 4,308,505 ("Messerschmitt"), and U.S. Patent 5,446,384 ("Dumoulin"). Applicant respectfully traverses this rejection.

A. The Law of Obviousness

In order to establish a prima facie case of obviousness, three basic criteria must be met:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure." M.P.E.P. § 2142.

All of claims 3-13, 15-17, 24-25, 27-29, 38-40 and 45-46 are dependent claims that depend from either claims 1, 26 or 41. However, the above cited references, alone or in combination, fail to teach the elements lacking in Shattil.

Accordingly, Applicant respectfully submits that these rejections have been traversed. Because claims 3-13, 15-17, 24-25, 27-29, 38-40 and 45-46 depend from either claim 1, 26 or 41, it is respectfully submitted that the rejection of these claims have been traversed by virtue of their dependency from either claims 1, 26 or 41. M.P.E.P. § 2143.03.

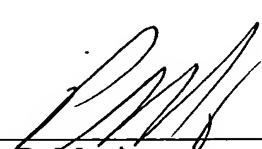
Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-43 and 45-47 at an early date is solicited. No fee is believed due with this response. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-3143, in the name of Pulse-Link, Inc. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date


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